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The Dow Chemical Company
Midland, Michigan 48674

September 26, 2003

2003 SEP 30 AM 7:00
AR/OK/TX BRANCH

Ms. Janice Bivens
Enforcement Officer
Superfund Cost Recovery Section (6SF-AC)
United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Re: **Response of The Dow Chemical Company to U.S. EPA Request for
Information – Gulfco Marine Maintenance, Inc., City of Freeport, Brazoria
County, Texas**

Dear Ms. Bivens:

The Dow Chemical Company ("TDCC") ("Respondent") submits this Response to the Information Request dated July 9, 2003 from the U.S. EPA concerning the Gulfco Marine Maintenance Site (the "Site"). We appreciate the Agency's grant of our request for an extension of time to respond to September 30, 2003.

Respondent reserves the right to supplement this response should any additional responsive information be discovered. Respondent has endeavored to answer the questions in U.S. EPA's letter to the fullest extent reasonably possible. The enclosed information is being provided in an effort to cooperate with U.S. EPA, without admitting or acknowledging that U.S. EPA has the authority to require production of the information requested, or that the statutory authority asserted in the information request is applicable. Additionally, nothing in this response should be construed as an admission of any liability or responsibility on the part of Respondent regarding any costs incurred by U.S. EPA or any other party relating to the Site. Respondent reserves all defenses and rights available to it under the law.

Respondent has a policy and well-documented history of cooperation with federal, state, and local environmental authorities. It intends to cooperate, likewise, with respect to the instant Request. The extremely broad scope of the Request, however, compels Respondent to raise objections to the Request, both general and specific. In so doing, Respondent does not intend to diminish the seriousness of purpose with which it has investigated matters implicated by the Request or with which it has assembled this response. Respondent is not prepared; however, to undertake the overly broad and onerous burden demanded by the Request where that burden is not reasonably calculated to lend to pertinent or responsive information regarding the Gulfco Marine Maintenance Site.

9078420



General Objections

Respondent asserts the following General Objections to the Request. To the extent Respondent responds to questions to which it objects, such objections are not waived by the furnishing or providing of information.

1. Respondent objects to the Request to the extent that the Request exceeds the scope of U.S. EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927.
2. Respondent objects to the Request as overly broad and unduly burdensome. Specifically, Respondent objects to the Request because the Request seeks information regarding activities at a level of detail that is impossible to provide without extreme burden and oppression, if at all. The activities and/or information that are the subject of the Request took place or may have taken place over 30 years ago.
3. Respondent objects to the Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, and any other legally cognizable privilege. Respondent further objects to the Request to the extent it dictates the manner in which those privileges are to be asserted.
4. Respondent objects to the Request to the extent that it seeks information in the possession, custody, or control of U.S. EPA, or any other local, state, or federal governmental authority. Respondent further objects to the Request to the extent that it seeks information that is a matter of public record.
5. Respondent objects to the Request to the extent that it seeks information outside of Respondent's possession, custody or control.

Response of The Dow Chemical Company to Information Request of EPA

A. General Information Concerning Respondent

1. Provide the full legal name and mailing address of the Respondent.

Response: The Dow Chemical Company, 2030 Dow Center, Midland, Michigan 48674.

2. For each person answering these questions on behalf of Respondent, provide full name, title, business address, and business telephone and facsimile number.

Response: Sandi VanWormer, Esq.
Environmental & Superfund Matters
The Dow Chemical Company

2030 Dow Center
Midland, MI 48674
(989) 638-3741
Fax: (989) 638-9410

Nan Stieve, Paralegal
Environmental & Superfund Matters
The Dow Chemical Company
2030 Dow Center
Midland, MI 48674
(989) 636-9108
Fax: (989) 638-9410

3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individuals name, address, telephone number and facsimile number.

Response: Sandi VanWormer, Esq.
Environmental & Superfund Matters
The Dow Chemical Company
2030 Dow Center
Midland, MI 48674
(989) 638-3741
Fax: (989) 638-9410

4. Please include a brief description of the nature and status of Respondent's business relationship with Gulfco Inc., Gulfco marine Maintenance, Inc., Fish Engineering and Construction, Inc., Hercules Marine Services Corporation, LDL Coastal Limited L.P., LDL Management LLC, and any other previous or current owner or operator of the Site.

Response: Hercules Offshore Drilling Company was engaged from time to time by Dow to clean barges used by Dow for the transport of chloroform to Dow's customers. Hercules was allowed to retain and sell the chloroform fluid that was not completely removed from the Barges (referred to as "Heels"). Hercules was not able to resell approximately 8,500 gallons of heels, which was returned to Dow for disposal.

Dow also used Hercules at various times to clean other barges, including acetone, ethylbenzene, styrene, trichloroethane, trichloroethylene, cumene, methylene chloride, diethylene glycol, carbon tetrachloride, casutic, ethylene dichloride, methanol, butanol, propylene dichloride, toluene, propylene glycol and benzene.

Dow used Fish Engineering and Construction to clean and repair barges. Materials recovered from the barges were sold to Cooper-Guilder.

Dow used Gulfco to clean barges.

B. Specific Information Relating to Site Operations

1. Identify all persons, including the Respondent, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials, hazardous materials, hazardous substances, and/or hazardous wastes ("materials") from various facilities to the Site. This information shall identify and state, but not be limited to, the following:

- a. The persons with whom the Respondent made such arrangements;

Response: The Dow Chemical Company.

- b. The precise locations from which these materials originated.

Response: The Dow Chemical Company, Texas Operations, Freeport, Texas; The Dow Chemical Company, Louisiana Operations, Plaquemine, LA.

- c. The nature, including the chemical content, characteristics, physical state (e.g., solid or liquid) and quantity (e.g., volume or weight) of all materials involved in each such arrangement;

Response: See Response A (4).

- d. All tests, analyses, analytical results, and manifests concerning each material involved in such transactions;

Response: See Attachment A.

- e. The persons who selected the location to which the materials were to be disposed and/or treated. In particular, the persons who selected the Site as a location for disposal and/or treatment of the materials. This information shall include where these persons intended to have the materials involved in each arrangement treated or disposed and all evidence of their intent;

Response: Ken Zezulka selected Hercules in Freeport, Texas to clean and repair barges. Larry Bone selected Fish Engineering be added to the list of approved off-site facilities.

- f. The amount paid in connection with each such arrangement, the method of payment, and the identity of the persons involved in each payment transaction;

Response: The Dow Chemical Compnay has no information repsonsive to this request.

- g. Provide contracts or other documents reflecting such arrangement, the method of payment, and the identity of the persons involved in each payment transaction;

Response: The Dow Chemical Company has no information responsive to this request.

2. Provide names, addresses, and telephone numbers of any individuals, including former employees, who may have knowledge of operations at the site.

Response: Larry Bone
15314 SE 35th Street
Vancouver, Washington 98683-3769
(360) 944-0936

David Plunkett (NA EH&S Regulatory Affairs)
The Dow Chemical Company
Texas Operations
2301 Brazosport Blvd.
Freeport, Texas
(989) 238-4538

3. List all federal, state, and local permits, identification numbers and/or registrations issued to the Respondent's operation for the storage, transport, and/or disposal of materials. Include respective permit numbers.

Response: The Dow Chemical Company objects to this response as being over broad and unduly burdensome. Specifically, Respondent objects to the Request because the Request seeks information regarding activities at a level of detail that is impossible to provide without extreme burden. Furthermore, the information sought is a matter of public record.

4. Provide names and addresses for all carriers who transported materials on behalf of Respondent to hazardous waste treatment, storage, or disposal facilities permitted by EPA or the State.

Response: The Dow Chemical Company objects to this response as being over broad and unduly burdensome. Specifically, Respondent objects to the Request because the Request seeks information regarding activities at a level of detail that is impossible to provide without extreme burden.

5. Identify whether a Notification of Hazardous Waste Activity was ever filed with the EPA or the corresponding agency or official of the State. This information shall include, but not be limited to, the following:

- a. The date of such filing; and
- b. The wastes described in such notice:

- (1) The quantity of the wastes described in such notice; and
- (2) The identification number assigned to such facility by EPA or the State.

Response: See Response to Request B (3).

6. Identify all federal, state, and local offices and agencies to which the Respondent has sent or filed hazardous substance or hazardous waste information and state the years during which such information was sent or filed.

Response: See Response to Request B (3).

Sincerely,

A handwritten signature in cursive script that reads "Sandi VanWormer".

Sandi VanWormer
Counsel

ATTACHMENT “A”



DOW CHEMICAL U.S.A.

November 10, 1989

TEXAS OPERATIONS
FREEPORT, TEXAS 77541

M. Cook-King

xc: R. E. Snelgrove
H. N. Johnson

ANALYSIS OF HERCULES CO. TANK WATERS FOR VOC'S

The samples were water in 40-mL VOC vials, all dated 11/7/89. They were from tanks owned by Hercules Company, on the Intracoastal Canal in Surfside. The samples were from the top, the middle, and the bottom from each of three tanks -- numbers 7, 8, and 9 -- making nine samples in all. Requested analysis was for qualitation/semi-quantitation of all volatile organic compounds by P&T/GC/MS. TEAL #891441 was assigned to the batch.

RESULTS:

Table 1 is a list of the compounds identified and in some cases quantitated in the three samples taken from the bottoms of the three tanks. The compounds that were quantitated above an LOQ of 5 PPM (mg/L) or designated as not quantitated by a dash (-) were determined against recent standard runs. Where values are reported, they should be considered accurate to plus-or-minus 50 percent. See the notes at the bottom of the table.

Figures 1, 2, and 3 are the RIC's (Reconstructed Total Ion Chromatograms) from P&T/GC/MS analyses of 5-uL aliquots of the samples. Identifications are written in over the GC peaks. Uncertainties are indicated by question marks.

ANALYTICAL CONDITIONS:

The samples were analyzed by EPA Method 624 with two exceptions:

- 5-uL aliquots of sample were diluted to 5 mL in a 5-mL syringe before being injected into the purge vessel.
- A separate 6-component aromatics standard was run after the samples to quantitate cumene and styrene, which are not in the 624 standard.

Qualitative identification was by comparison of acquired spectra against the NBS mass spectral library and by inspection.

D. R. Carlisle

D. R. Carlisle

dp

Doc#32.1/R12



AN OPERATING UNIT OF THE DOW CHEMICAL COMPANY

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TABLE 1

HERCULES WASTE WATER TANK SAMPLES OF 11/7/89
VOLATILE ORGANIC COMPOUNDS QUANTITATED IN PPM (mg/L)

Formula	Compound	Tank #7	Tank #8	Tank #9
C.H2.C12	Methylene Chloride	30	10	15
C3.H6.0	Propanal ? P.O. ??	ND	small	ND
C3.H6.0	Acetone	> 50	ND	ND
C7.H16.0 ?	(Unknown)	Big	Medium	ND
C2.H4.C12	1,2-Dichloroethane (EDC)	35	8	-
C4.H8.0	Methylethyl Ketone (MEK)	Small	ND	ND
C5.H12.0 ??	(Unknown)	Huge	ND	ND
C3.H6.C12	1,2-Dichloropropane (PDC)	-	7	-
C2.H.C13	Trichloroethene (TCE)	9	-	-
C6.H6	Benzene	40	11	130
C7.H8	Toluene	7	-	5
C10.H12	Dicyclopentadiene	Small	ND	ND
C8.H10	Ethyl Benzene	10	15	15
C9.H12	Cumene	7	40	-
C8.H8	Styrene	8	-	-

Notes:

1. Each sample from bottom of tank. Middle and Top samples not run.
2. ND = Not Detected.
3. "-" = Not quantitated above LOQ of 5 PPM (mg/L), established by recent standard.
4. "small, medium, large, huge" = obvious, but not quantifiable in the time available. (Some will never be quantifiable.)

RIC
11/07/89 16:26:00

DATA: 110789G #1
CALI: 110789G #15

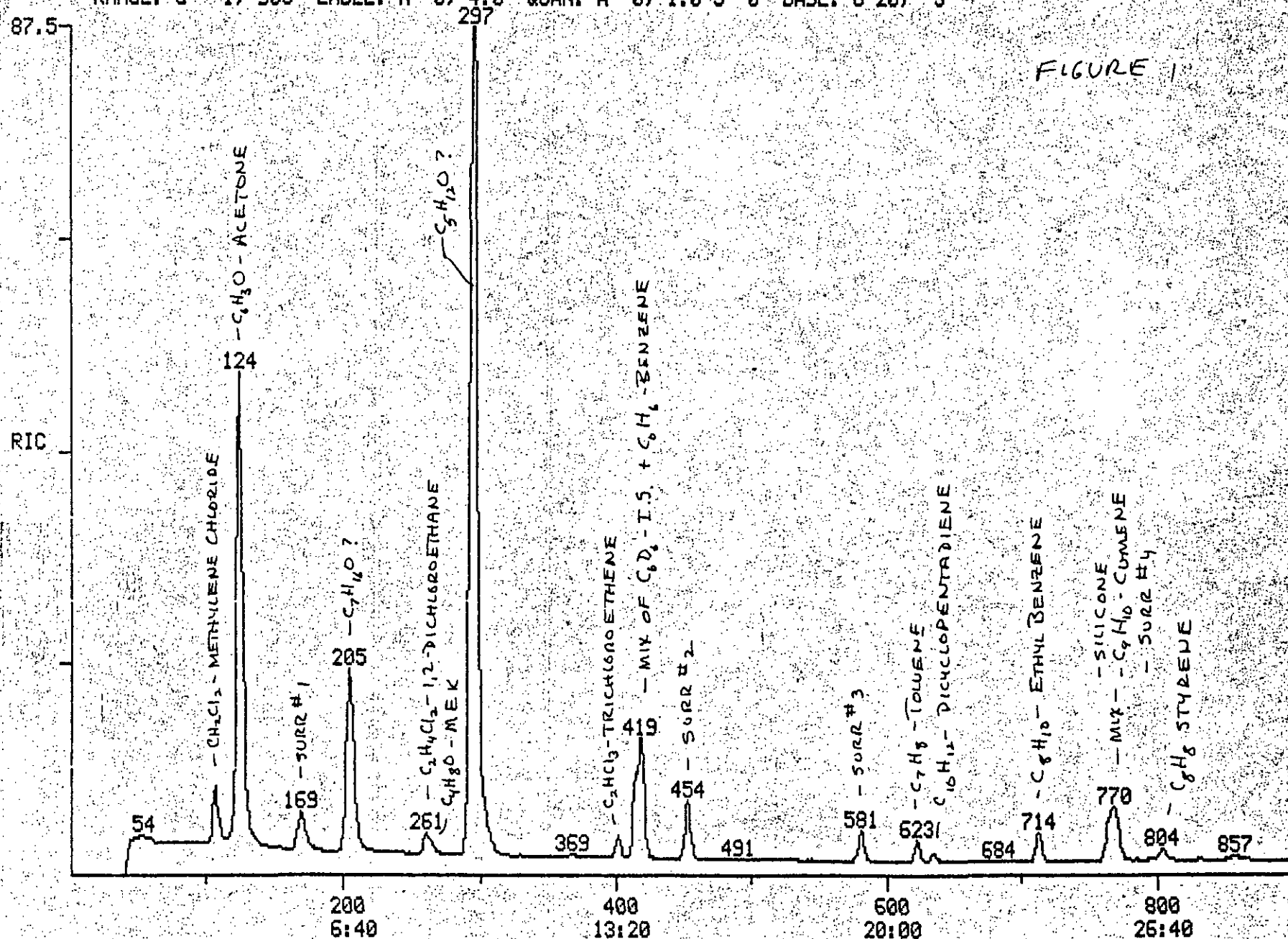
SCANS 1 TO 900

SAMPLE: 5 UL HERCULES #7 TANK BTM OF 11/7 +30 PPB IS/SS. TEAL #891441

CONDS.: 3M 50C, 8C/MIN > 220, H10M, 10' X 2MM AT1000 ON GRAPHPAK 80/100

RANGE: G 1, 900 LABEL: N 0, 4.0 QUAN: A 0, 1.0 J 0 BASE: U 20, 3

500001.

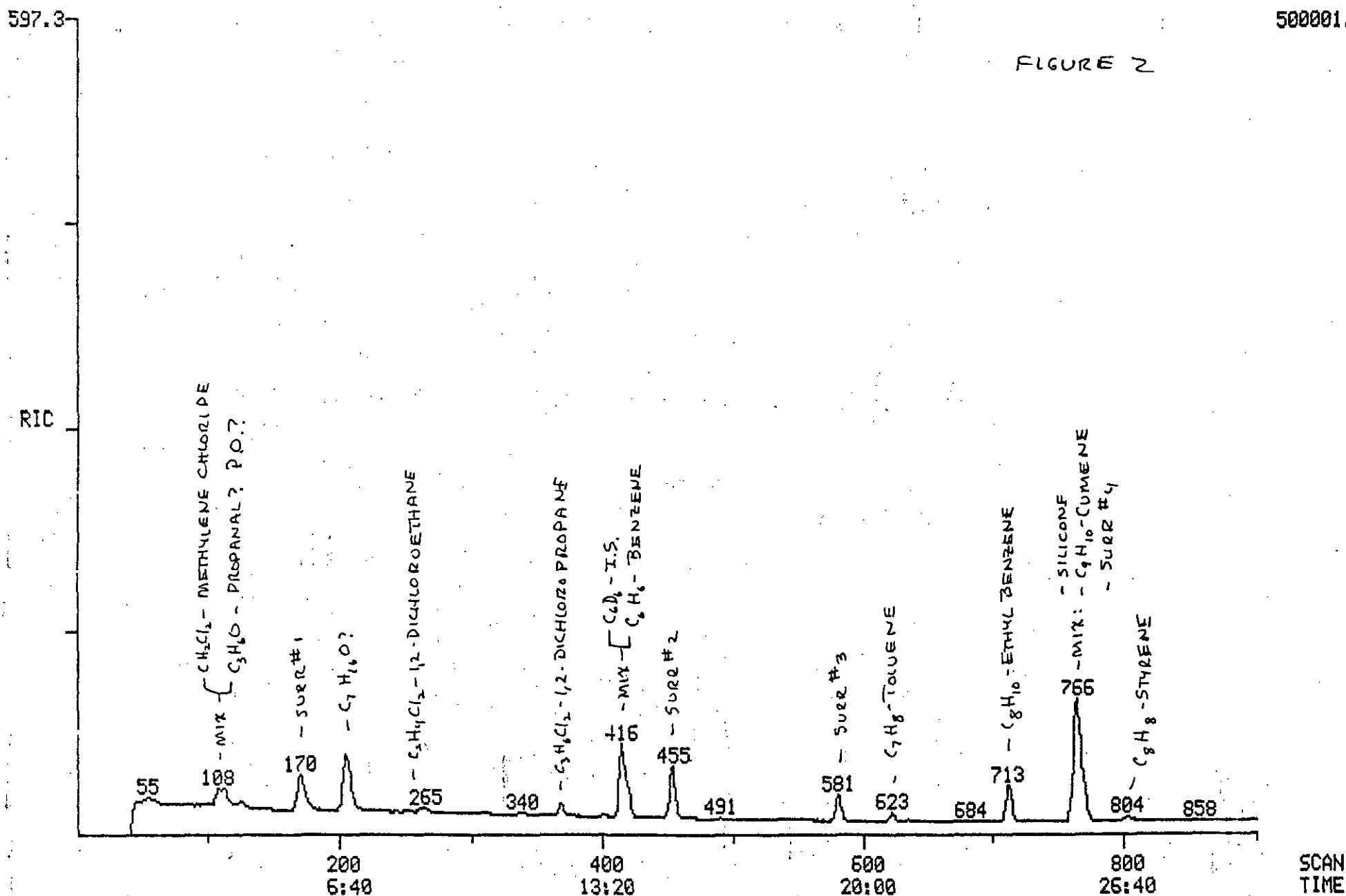


SCAN
TIME

RIC DATA: 110789F #1 SCANS 1 TU 900
 11/07/89 15:19:00 CALI: 110789F #15
 SAMPLE: 5 UL HERCULES #8 TANK BTM OF 11/7 +30 PPB IS/SS. TEAL #891441
 CONDS.: 3M 50C, 8C/MIN >220, H10M. 10'X2MM AT1000 ON GRAPHPAK 80/100
 RANGE: G 1, 900 LABEL: N 0, 4.0 QUAN: A 0, 1.0 J 0 BASE: U 20, 3

500001.

FIGURE 2

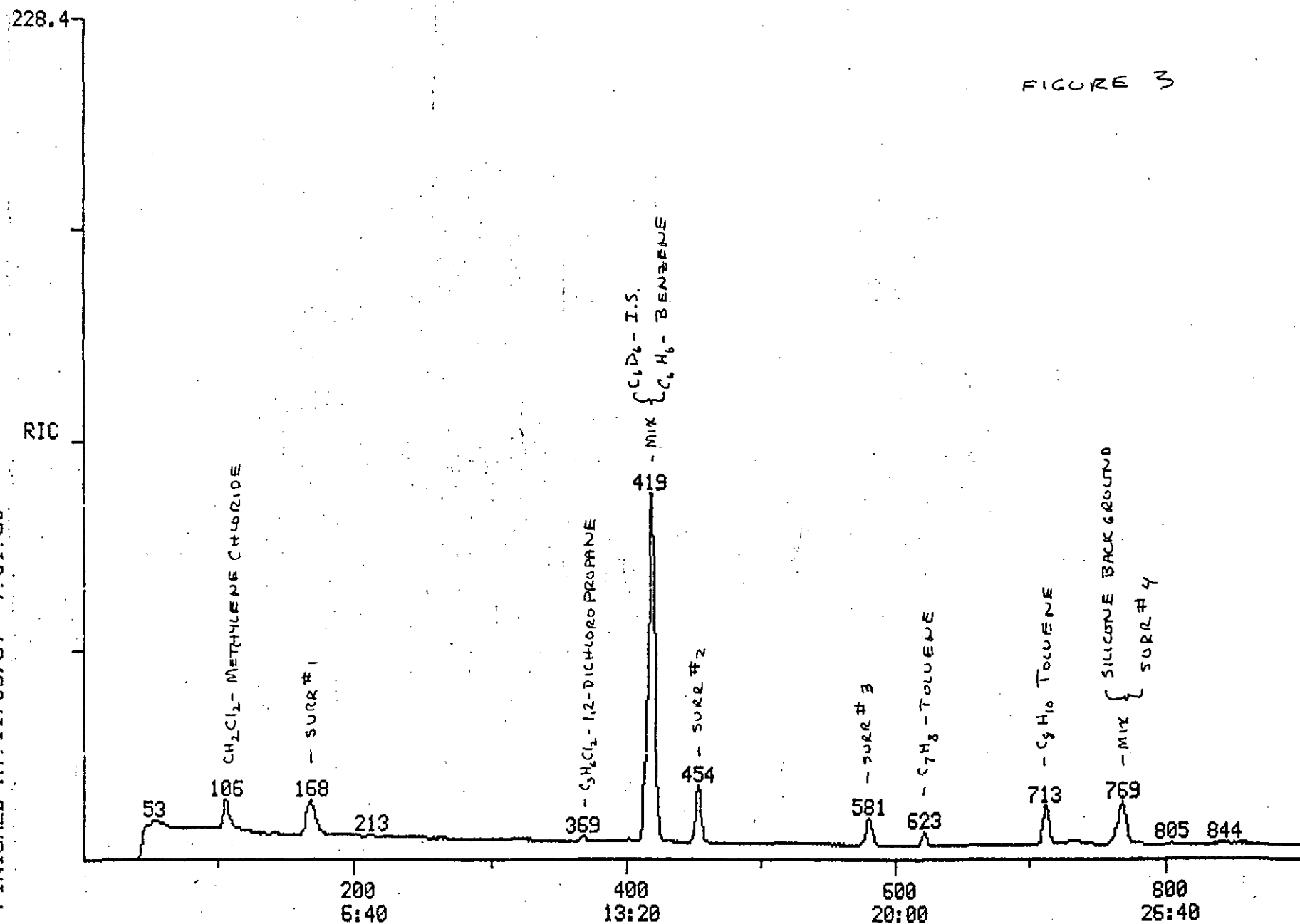


RIC
 11/07/89 14:19:00
 DATA: 110789E #1
 CALI: 110789E #15
 SAMPLE: 5 UL HERCULES #9 TANK BTM OF 11/7 +30 PPB IS/SS. TEAL #891441
 CONDS.: 3M 50C.8C/MIN>220, H10M. 10'X2MM AT1000 ON GRAPHPAK 80/100
 RANGE: G 1.900 LABEL: N 0, 4.0 QUAN: A 0, 1.0 J 0 BASE: U 20, 3

500000.

FIGURE 3

TGA FINISHED, 10 FOUND
 FINISHED AT: 11/08/89 9:51:35



SCAN TIME